

Amendments to the Claims

The following listing of claims will replace all prior versions and/or listings of claims in the application.

Listing of Claims:

- 1-14. (cancelled)
15. (previously presented): An intervertebral implant for a human spine, comprising:
a cage element comprising a superior surface and an inferior surface, wherein the inferior surface of the cage element is configured to support a first vertebra of the human spine to inhibit movement of the first vertebra towards a second vertebra, and wherein the superior surface of the cage element comprises a first opening;
an insert comprising a support surface for the second vertebra, the support surface configured to support the second vertebra above the superior surface of the cage element and inhibit movement of the second vertebra towards the first vertebra, wherein the insert is configured to be positioned at least partially in the cage element; and
an expansion member configured to be inserted in the cage element through an opening in a side of the cage element to expand the intervertebral implant by elevating the insert to move a portion of the insert through the opening in the superior surface of the cage element so that the support surface of the insert is raised relative to the inferior surface of the cage element.
16. (previously presented): The intervertebral implant of claim 15, wherein the intervertebral implant is configured such that the direction of movement of the expansion member is substantially perpendicular to the direction of movement of the insert.

17. (previously presented): The intervertebral implant of claim 15, wherein the expansion member is configured to be advanced between an interior surface of the cage element and the inferior surface of the insert.
18. (previously presented): The intervertebral implant of claim 15, wherein the support surface of the insert comprises osteoconductive mesh structure.
19. (previously presented): The intervertebral implant of claim 15, wherein an interior surface of the cage element comprises a raised portion configured to inhibit backout of the expansion member after expansion of the intervertebral implant.
20. (previously presented): The intervertebral implant of claim 15, wherein the expansion member comprises an angled portion configured to engage an angled portion of the insert to facilitate insertion of the expansion member in the cage element.
21. (previously presented): An intervertebral implant for a human spine, comprising:
 - a cage element comprising a superior surface and an inferior surface, wherein the inferior surface of the cage element is configured to support a first vertebra of the human spine to inhibit movement of the first vertebra towards a second vertebra, and wherein the superior surface of the cage element comprises an opening;
 - an insert comprising an inferior surface and a support surface for the second vertebra, the support surface configured to support the second vertebra above the superior surface of the cage element and inhibit movement of the second vertebra towards the first vertebra, wherein the insert is configured to be positioned in the cage element such that the inferior surface of the insert is inside of the cage element and the support surface of the insert is outside of the cage element; and
 - an expansion member configured to be inserted in the cage element through an opening in a side of the cage element to elevate at least a portion of the insert through the opening in the superior surface of the cage element so that the support surface of the insert is raised relative to the inferior surface of the cage element.

22. (previously presented): The intervertebral implant of claim 21, wherein the intervertebral implant is configured such that the direction of movement of the expansion member is substantially perpendicular to the direction of movement of the insert.
23. (previously presented): The intervertebral implant of claim 21, wherein the expansion member is configured to be advanced between an interior surface of the cage element and the inferior surface of the insert.
24. (previously presented): The intervertebral implant of claim 21, wherein the support surface of the insert comprises osteoconductive mesh structure.
25. (previously presented): The intervertebral implant of claim 21, wherein an interior surface of the cage element comprises a raised portion configured to inhibit backout of the expansion member after insertion of the expansion member.
26. (previously presented): The intervertebral implant of claim 21, wherein the expansion member comprises an angled portion configured to engage an angled portion of the insert to facilitate insertion of the expansion member in the cage element.
27. (previously presented): An intervertebral implant for a human spine, comprising:
a cage element with a superior surface and an inferior surface, wherein the inferior surface of the cage element comprises a first opening and the superior surface of the cage element comprises a second opening;
a first insert, wherein at least a portion of the first insert is configured to be positioned in the cage element proximate the first opening;
a second insert, wherein at least a portion of the second insert is configured to be positioned in the cage element proximate the second opening; and
an expansion member configured to be inserted in a third opening in the cage element to raise a support surface of the first insert relative to the inferior surface of the cage element, wherein the support surface of the first insert is configured to couple to a

- first vertebra to support the first vertebra away from the cage element and inhibit movement of the first vertebra towards a second vertebra; and
- wherein the expansion member when inserted in the third opening is configured to raise a support surface of the second insert relative to the superior surface of the cage element, wherein the support surface of the second insert is configured to couple to the second vertebra to support the second vertebra away from the cage element and inhibit movement of the second vertebra towards the first vertebra.
28. (previously presented): The intervertebral implant of claim 27, wherein the intervertebral implant is configured such that the direction of movement of the expansion member is substantially perpendicular to the direction of movement of the first insert and the second insert.
29. (previously presented): The intervertebral implant of claim 27, wherein the expansion member is configured to be advanced between a superior surface of the first insert and an inferior surface of the second insert.
30. (previously presented): The intervertebral implant of claim 27, wherein the support surface of the first insert comprises osteoconductive mesh structure.
31. (previously presented): The intervertebral implant of claim 27, wherein the support surface of the second insert comprises osteoconductive mesh structure.
32. (previously presented): The intervertebral implant of claim 27, wherein an interior surface of the cage element comprises a raised portion configured to inhibit backout of the expansion member after insertion of the expansion member.
33. (previously presented): The intervertebral implant of claim 27, wherein expanding the intervertebral implant comprises increasing a height of the intervertebral implant.

34. (previously presented): The intervertebral implant of claim 27, wherein the expansion member comprises at least one angled portion configured to engage an angled portion of the first insert to facilitate insertion of the expansion member in the cage element.

35. (currently amended): The intervertebral implant of claim 15, wherein ~~at least a majority of the intervertebral implant that supports the second vertebra comprises the support surface of the insert~~ comprises at least a majority of a surface of the intervertebral implant that is configured to support the second vertebra.

36. (currently amended): The intervertebral implant of claim 21, wherein ~~at least a majority of the intervertebral implant that supports the second vertebra comprises the support surface of the insert~~ comprises at least a majority of a surface of the intervertebral implant that is configured to support the second vertebra.

37. (currently amended): The intervertebral implant of claim 27, wherein ~~at least a majority of the intervertebral implant that supports the first vertebra comprises the support surface of the first insert~~ comprises at least a majority of a surface of the intervertebral implant that is configured to support the first vertebra comprises.

38. (currently amended): The intervertebral implant of claim 27, wherein ~~at least a majority of the intervertebral implant that supports the second vertebra comprises the support surface of the second insert~~ comprises at least a majority of a surface of the intervertebral implant that is configured to support the second vertebra comprises.

39. (new): An intervertebral implant for a human spine, comprising:
a first member comprising a first inferior surface and a first superior surface, where the first superior surface comprises a substantially planar surface configured to contact and support a first vertebrae of a human spine;
a second member comprising a second inferior surface and a second superior surface, where the second inferior surface comprises a substantially planar surface configured to contact and support a second vertebrae of a human spine; and

an expansion element configured to be inserted between the first inferior surface and the second superior surface of after insertion of the first member and the second member in the human spine, wherein insertion of the expansion member is configured to expand the first and second members relative to one another to increase a separation distance between the first superior surface and the second inferior surface.

40. (new): The intervertebral implant of claim 39, further comprising a cage having first opening through which the first member is configured to expand, a second opening through which the second member is configured to expand, a third opening through which the expansion element is configured to be inserted, wherein the first and second openings are located on opposite faces of the cage.

41. (new): The intervertebral implant of claim 15, wherein the support surface comprises a substantially planar surface configured to contact the second vertebra.

42. (new): The intervertebral implant of claim 21, wherein the support surface comprises a substantially planar surface configured to contact the second vertebra.

43. (new): The intervertebral implant of claim 27, wherein the support surface of the first insert comprises a substantially planar surface configured to contact the first vertebra, and wherein the support surface of the second insert comprises a substantially planar surface configured to contact the second vertebra.